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The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES A. NICOLAYSEN,

Plaintiff,

vs.

PUGET SOUND & PACIFIC  
RAILROAD dba PUGET SOUND &  
PACIFIC RAILROAD COMPANY,  
a Delaware corporation registered to  
do business in Washington,

Defendant.

No. C05-5632RJB

STIPULATED MOTION FOR  
MODIFICATION OF MINUTE  
ORDER SETTING TRIAL,  
PRETRIAL DATES AND ORDERING  
MEDIATION TO ALLOW FOR  
CONTINUATION OF CERTAIN  
DATES

**STIPULATED MOTION**

Plaintiff and Defendant respectfully and jointly move the court for an order allowing modification of the Minute Order Setting Trial, Pretrial Dates and Ordering Mediation to Allow for Continuation of Certain Dates. The

STIPULATED MOTION FOR MODIFICATION  
OF MINUTE ORDER SETTING TRIAL,  
PRETRIAL DATES AND ORDERING  
MEDIATION- Page 1

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1 parties request that the expert disclosure date be continued from May 3,  
2 2006 until June 12, 2006; the deadline for motions related to discovery be  
3 continued from June 12, 2006 until June 26, 2006 and the deadline for  
4 completion of discovery be continued from July 3, 2006 until July 17, 2006.

5 The parties request this for the following reasons:

- 6 1. The matter is set for mediation on May 9, 2006;
  - 7 2. Absent settlement at mediation, plaintiff anticipates that the  
8 following expert witnesses will be called at trial:
    - 9 a. P. Bodie Wood, M.D., the treating orthopedic surgeon,  
10 copies of whose records have been provided to defendant;
    - 11 b. Richard Shankle, who inspected the track with defendant  
12 present;
    - 13 c. Cloie Johnson, a vocational rehabilitationist who plaintiff's  
14 counsel has used on another matter, but who has not yet been  
15 retained and not yet performed services.
    - 16 d. Robert Moss, an economist who plaintiff's counsel has  
17 used on other matters, but who has not yet been retained and  
18 not yet performed services.
  - 19 3. If the matter does not settle at mediation, defendant is  
20 considering calling expert witnesses, including but not limited to a  
21 physician, a track expert, a vocational rehabilitationist and an  
22 economist.
- 23  
24

1 4. The parties would like to complete the mediation to see if  
2 settlement may be reached before having to fully engage their  
3 experts.

4 IT IS SO STIPULATED


5  
6  
7 s/  
8 Steven M. Rose, WSBA #32677  
9 Of Attorneys for Plaintiff  
10 Dated: 4/17/06

11 s/  
12 Troy Y. Nelson, WSBA #27274  
13 Of Attorneys for Defendant  
14 Dated: 4/17/06

15 **ORDER**

16 IT IS SO ORDERED.

17 DATED this 18<sup>th</sup> day of April, 2006.

18  
19   
20 ROBERT J. BRYAN  
21 United States District Judge  
22  
23  
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